

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Classic Communications, Inc.)	
)	File No.: EB-04-HS-071
Operator of Cable Television Systems in)	
)	
Arkansas, Kansas, Louisiana, Missouri, Ohio,)	
Oklahoma and Texas)	
)	
Request for Waiver of Section 11.11(a) of the)	
Commission's Rules)	

ORDER

Adopted: October 7, 2004

Released: October 7, 2004

By the Director, Office of Homeland Security, Enforcement Bureau

1. In this *Order*, we grant Classic Communications, Inc. an extension to its temporary waiver of section 11.11(a) of the Commission's Rules (Rules)¹ previously granted for the 65 cable television systems listed in Attachment A.² Section 11.11(a) of the Rules requires cable systems serving fewer than 5,000 subscribers from a headend to either provide national level Emergency Alert System (EAS) messages on all programmed channels or install EAS equipment and provide a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel by October 1, 2002.³

2. The Cable Act of 1992 added new Section 624(g) to the Communications Act of 1934, as amended,⁴ and required that cable systems be capable of providing EAS alerts to their subscribers.⁵ In 1994, the Commission adopted rules requiring cable systems to participate in EAS.⁶ In 1997, the

¹ 47 C.F.R. § 11.11(a).

² *Classic Communications, Inc.*, 47 FCC Rcd 19350 (2002).

³ *Id.*

⁴ The Communications Act of 1934 was amended by the Telecommunications Act of 1996. Pub. L. No. 104-104, 110 Stat. 56 (1996 Act).

⁵ Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, § 16(b), 106 Stat. 1460, 1490 (1992). Section 624(g) provides that "each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations" 47 U.S.C. § 544(g).

⁶ *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Report and Order and Further Notice of Proposed Rule Making, 10 FCC Rcd 1786 (1994), *reconsideration granted in part, denied in part*, 10 FCC Rcd 11494 (1995).

Commission amended the EAS rules to provide financial relief for small cable systems.⁷ The Commission declined to exempt small cable systems from the EAS requirements entirely, concluding that such an exemption would be inconsistent with the statutory mandate of Section 624(g).⁸ The amended rules extended the deadline for cable systems serving fewer than 10,000 subscribers to begin complying with the EAS rules to October 1, 2002, and provided cable systems serving fewer than 5,000 subscribers the option of either providing national level EAS messages on all programmed channels or installing EAS equipment and providing a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel.⁹ In addition, the Commission stated that it would grant waivers of the EAS rules to small cable systems on a case-by-case basis upon a showing of financial hardship.¹⁰

3. On March 26, 2002, Classic filed a request for a permanent waiver or a temporary, five-year waiver of section 11.11(a) for 569 small, rural cable systems in ten states. On July 18, 2002, Classic filed an amendment to its waiver request which changed the number of cable system headends to 559. Classic asserted that the estimated cost to install EAS equipment would impose a substantial financial hardship on it. In support of its waiver request, Classic, submitted financial statements for 1999, 2000 and 2001 and indicated that it was operating as debtor-in-possession under supervision of the Bankruptcy Court.¹¹ On October 7, 2002, we granted Classic a temporary 24-month waiver for the systems listed in Attachment A from October 1, 2002 to October 1, 2004.¹² We declined to grant Classic a permanent waiver of section 11.11(a); however, we concluded that the financial data and other information submitted by Classic justified the 24-month waiver of section 11.11(a) for the cable television systems listed in Attachment A.

4. On September 30, 2004, Classic filed a request for a 120-day extension of the temporary waiver previously granted for the cable systems listed in Attachment A. Classic states that since its original waiver request was granted, it has emerged from bankruptcy and is now under new ownership and management and is now prepared to obtain the EAS equipment for the cable systems listed in Attachment A.¹³ Classic states that it has ordered some of the EAS equipment for the subject cable systems. Based on its discussions with various EAS manufacturers, Classic estimates that the subject cable systems can be fully compliant with EAS requirements within 120 days.

5. Based on our review of the information submitted by Classic, we find that an extension of its temporary waiver of section 11.11(a) of the Rules for the cable systems listed in Attachment A, is warranted. On August 31, 2004, Classic was granted a 90-day extension of its temporary waiver previously granted for 10 of its other cable systems in Louisiana, Ohio, Oklahoma and Texas.¹⁴ By e-mail

⁷ *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Second Report and Order, 12 FCC Rcd 15503 (1997).

⁸ *Id.* at 15512-13.

⁹ *Id.* at 15516-18.

¹⁰ *Id.* at 15513.

¹¹ On November 13, 2001, Classic Communications, Inc. filed for Chapter 11 bankruptcy with the United States Bankruptcy Court, the District of Delaware, Petition for Waiver filed by Robert L. James and Timothy P. Tobin, Counsel for Classic Communications, Inc. (March 25, 2002).

¹² 17 FCC Rcd at 19352. Classic was also granted a temporary 18-month waiver of section 11.11(a) until April 1, 2004 for 11 of its cable systems and a temporary 36-month waiver of section 11.11(a) until October 1, 2005 for 483 of its cable systems.

¹³ *Id.* Classic currently operates under the d/b/as/ Cebridge Connections.

¹⁴ *See Order* by the Director, Office of Homeland Security, Enforcement Bureau, rel. Aug. 31, 2004.

dated October 4, 2004, Classic notified the Commission that it had installed EAS equipment at all 10 of the systems. We expect that Classic would likewise comply with the new deadline as set forth in this *Order*.

6. Accordingly, **IT IS ORDERED** that, pursuant to sections 0.111, 0.204(b) and 0.311 of the Rules,¹⁵ Classic Communications, Inc. **IS GRANTED** an extension of its temporary waiver of section 11.11(a) of the Rules until February 1, 2005, for the cable systems listed in Attachment A.¹⁶

7. **IT IS FURTHER ORDERED** that Classic Communications, Inc. notify the Director, Office of Homeland Security, Enforcement Bureau immediately upon installation of the EAS equipment at the cable systems listed in Attachment A by E-mail at eas@fcc.gov.

8. **IT IS FURTHER ORDERED** that Classic Communications, Inc. place a copy of this waiver in its systems files.

9. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by certified mail return receipt requested to counsel for Classic Communications, Inc., Timothy P. Tobin, Esq., Cole, Raywid & Braverman, L.L.P., 1919 Pennsylvania Avenue, N.W., Suite 200, Washington, D.C. 20006.

FEDERAL COMMUNICATIONS COMMISSION

James A. Dailey
Director, Office of Homeland Security
Enforcement Bureau

¹⁵ 47 C.F.R. §§ 0.111, 0.204(b) and 0.311.

¹⁶ We clarify that this waiver also encompass the EAS testing and monitoring requirements.

ATTACHMENT A

List of Systems

Danville, Arkansas
Miller County, Arkansas
Sheridan, Arkansas
Nashville, Arkansas
Smackover, Arkansas
Waldron, Arkansas
Whitehall, Arkansas
Stuttgart, Arkansas
Clay Center, Kansas
Beloit, Kansas
Concordia, Kansas
Fort Scott, Kansas
Paola, Kansas
Abilene, Kansas
Sibley, Louisiana
Fort Polk, Louisiana
Le Compete, Louisiana
Lexington, Missouri
Brookfield, Missouri
Trenton, Missouri
Cole County, Missouri
Boonville, Missouri
Lebanon, Missouri
Neosho, Missouri
Joe Bald/Hwy DD, Missouri
Thompson, Ohio
Mahoning, Ohio
Anadarko, Oklahoma
Eufaula, Oklahoma
Fort Sill, Oklahoma
Heraldton, Oklahoma
Kingfisher, Oklahoma
Idabel, Oklahoma
Hugo, Oklahoma
Poteau, Oklahoma
Sallisaw, Oklahoma
Vernon, Texas
Pecos, Texas
Pilot Point, Texas
Mauriceville, Texas
Breckenridge, Texas
Daingerfield, Texas
Monahans, Texas

**List of Systems
(Continued)**

Lampasas, Texas
Mt. Belvieu, Texas
Center, Texas
Lake Cherokee, Texas
Quinlan, Texas
Brazoria, Texas
Muleshoe, Texas
Rockdale, Texas
Ingram, Texas
Brady, Texas
Kermit, Texas
ARP, Texas
Childress, Texas
Crystal Beach, Texas
Montgomery, Texas
Rusk, Texas
Kenedy, Texas
Trinity, Texas
Van Zandt, Texas
Dimmitt, Texas
Goodrich, Texas
Tulia, Texas